



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 19, 2019

The Honorable Mike Quigley  
Committee on Appropriations  
Subcommittee on Financial Services and General Government  
U.S. House of Representatives  
2000 Rayburn House Office Building (G Floor)  
Washington, DC 20515

Dear Chairman Quigley:

On April 19, 2019, the Government Accountability Office (GAO) publicly released a report entitled *Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects*, GAO 19-22 (Report). The Report examines factors that hinder effective Tribal consultation; identifies steps that twenty-one federal agencies, including the FCC, have taken to facilitate consultation; and recommends actions to improve Tribal consultation for many of the federal agencies. GAO notes that it included the FCC in the report because its "approach to Tribal consultation for telecommunications towers was identified as a best practice among reports [GAO] reviewed and Tribal and agency officials [GAO] interviewed."

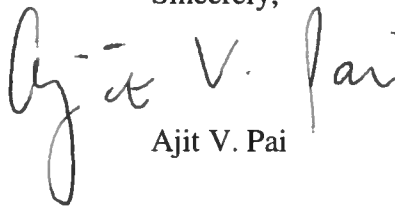
The Report recommends that the FCC Chairman document in the agency's Tribal consultation policy how agency officials are to communicate with Tribes about how Tribal input from consultation was considered in agency decisions on infrastructure projects. In responding to the draft Report, the Chiefs of the FCC's Wireless Telecommunications Bureau and Consumer and Governmental Affairs Bureau explained how the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (Nationwide Programmatic Agreement) sets forth procedures for communications between Tribal governments and the FCC regarding individual telecommunication infrastructure projects.

I share your interest in ensuring that the FCC has procedures in place to communicate with Tribes about how their input was considered in a project, which is why the Nationwide Programmatic Agreement is so important. Given that each of the 573 federally recognized Tribes has its own particular communications preference with the FCC, the Nationwide Programmatic Agreement provides a flexible approach that contemplates a collaborative, back-and-forth process between the FCC, entities constructing infrastructure projects, and the Tribes. The process created by the Nationwide Programmatic Agreement strikes a balance between keeping Tribes informed and respecting Tribal communication preferences.

Nevertheless, there is always room for improving communications. Consistent with GAO's recommendation, I have asked FCC staff to explore ways of documenting how FCC staff could communicate with Tribes about how Tribal input was used in FCC decisions on

telecommunications infrastructure projects. I appreciate the opportunity to comment on the GAO Report and would be happy to discuss further if you have any questions.

Sincerely,

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Ajit V. Pai

cc: The Honorable Bernie Sanders  
The Honorable Thomas Udall  
The Honorable Raúl M. Grijalva  
The Honorable Ruben Gallego  
The Honorable Peter Aguilar  
The Honorable Donald S. Beyer, Jr.  
The Honorable Tony Cárdenas  
The Honorable Yvette D. Clarke  
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The Honorable Raul Ruiz, M.D.  
The Honorable Linda T. Sanchez  
The Honorable Mark Takano  
The Honorable Norma J. Torres



FEDERAL COMMUNICATIONS COMMISSION  
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OFFICE OF  
THE CHAIRMAN

July 19, 2019

The Honorable Tom Graves  
Committee on Appropriations  
Subcommittee on Financial Services and General Government  
U.S. House of Representatives  
1016 Longworth Office Building  
Washington, DC 20515

Dear Ranking Member Graves:

On April 19, 2019, the Government Accountability Office (GAO) publicly released a report entitled *Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects*, GAO 19-22 (Report). The Report examines factors that hinder effective Tribal consultation; identifies steps that twenty-one federal agencies, including the FCC, have taken to facilitate consultation; and recommends actions to improve Tribal consultation for many of the federal agencies. GAO notes that it included the FCC in the report because its "approach to Tribal consultation for telecommunications towers was identified as a best practice among reports [GAO] reviewed and Tribal and agency officials [GAO] interviewed."

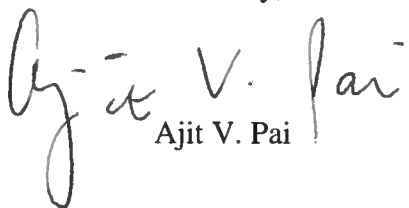
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The Honorable Norma J. Torres



OFFICE OF  
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

July 19, 2019

The Honorable John N. Kennedy  
Committee on Appropriations  
Subcommittee on Financial Services and General Government  
United States Senate  
S-128 The Capital Building  
Washington, DC 20510

Dear Chairman Kennedy:

On April 19, 2019, the Government Accountability Office (GAO) publicly released a report entitled *Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects*, GAO 19-22 (Report). The Report examines factors that hinder effective Tribal consultation; identifies steps that twenty-one federal agencies, including the FCC, have taken to facilitate consultation; and recommends actions to improve Tribal consultation for many of the federal agencies. GAO notes that it included the FCC in the report because its "approach to Tribal consultation for telecommunications towers was identified as a best practice among reports [GAO] reviewed and Tribal and agency officials [GAO] interviewed."

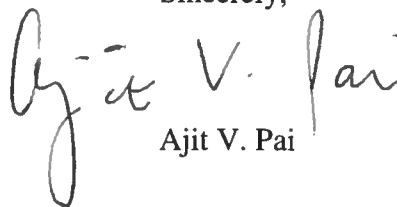
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

July 19, 2019

The Honorable Chris Coons  
Committee on Appropriations  
Subcommittee on Financial Services and General Government  
United States Senate  
125 Hart Senate Office Building  
Washington, DC 20510

Dear Ranking Member Coons:

On April 19, 2019, the Government Accountability Office (GAO) publicly released a report entitled *Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects*, GAO 19-22 (Report). The Report examines factors that hinder effective Tribal consultation; identifies steps that twenty-one federal agencies, including the FCC, have taken to facilitate consultation; and recommends actions to improve Tribal consultation for many of the federal agencies. GAO notes that it included the FCC in the report because its "approach to Tribal consultation for telecommunications towers was identified as a best practice among reports [GAO] reviewed and Tribal and agency officials [GAO] interviewed."

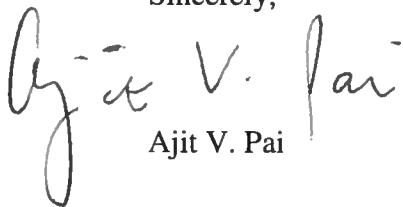
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FEDERAL COMMUNICATIONS COMMISSION  
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OFFICE OF  
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July 19, 2019

The Honorable Roger Wicker  
Committee on Commerce, Science, and Transportation  
United States Senate  
512 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Wicker:

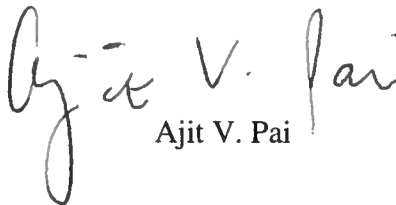
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FEDERAL COMMUNICATIONS COMMISSION  
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OFFICE OF  
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July 19, 2019

The Honorable Maria Cantwell  
Committee on Commerce, Science, and Transportation  
United States Senate  
425 Hart Senate Office Building  
Washington, DC 20510

Dear Ranking Member Cantwell:

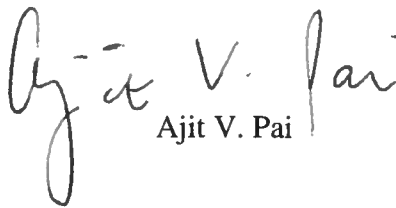
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FEDERAL COMMUNICATIONS COMMISSION  
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OFFICE OF  
THE CHAIRMAN

July 19, 2019

The Honorable Frank Pallone  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Pallone:

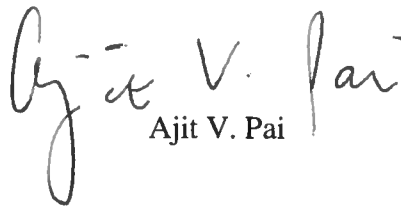
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FEDERAL COMMUNICATIONS COMMISSION  
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July 19, 2019

The Honorable Greg Walden  
Committee on Energy and Commerce  
U.S. House of Representatives  
2322A Rayburn House Office Building  
Washington, DC 20515

Dear Ranking Member Walden:

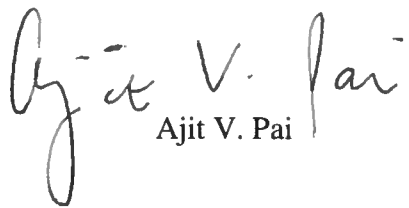
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FEDERAL COMMUNICATIONS COMMISSION  
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July 19, 2019

The Honorable Ron Johnson  
Committee on Homeland Security and Governmental Affairs  
United States Senate  
340 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Johnson:

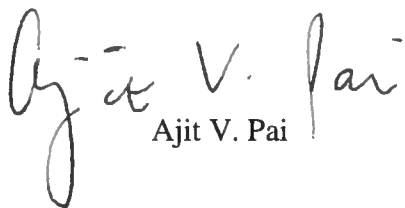
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The Honorable Jared Polis  
The Honorable Lucille Roybal-Allard  
The Honorable Raul Ruiz, M.D.  
The Honorable Linda T. Sanchez  
The Honorable Mark Takano  
The Honorable Norma J. Torres



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

July 19, 2019

The Honorable Gary Peters  
Committee on Homeland Security and Governmental Affairs  
United States Senate  
442 Hart Senate Office Building  
Washington, DC 20510

Dear Ranking Member Peters:

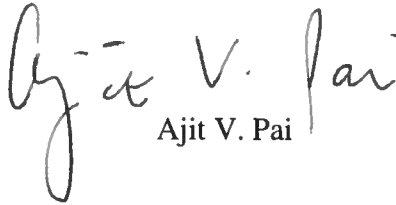
On April 19, 2019, the Government Accountability Office (GAO) publicly released a report entitled *Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects*, GAO 19-22 (Report). The Report examines factors that hinder effective Tribal consultation; identifies steps that twenty-one federal agencies, including the FCC, have taken to facilitate consultation; and recommends actions to improve Tribal consultation for many of the federal agencies. GAO notes that it included the FCC in the report because its “approach to Tribal consultation for telecommunications towers was identified as a best practice among reports [GAO] reviewed and Tribal and agency officials [GAO] interviewed.”

The Report recommends that the FCC Chairman document in the agency’s Tribal consultation policy how agency officials are to communicate with Tribes about how Tribal input from consultation was considered in agency decisions on infrastructure projects. In responding to the draft Report, the Chiefs of the FCC’s Wireless Telecommunications Bureau and Consumer and Governmental Affairs Bureau explained how the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (Nationwide Programmatic Agreement) sets forth procedures for communications between Tribal governments and the FCC regarding individual telecommunication infrastructure projects.

I share your interest in ensuring that the FCC has procedures in place to communicate with Tribes about how their input was considered in a project, which is why the Nationwide Programmatic Agreement is so important. Given that each of the 573 federally recognized Tribes has its own particular communications preference with the FCC, the Nationwide Programmatic Agreement provides a flexible approach that contemplates a collaborative, back-and-forth process between the FCC, entities constructing infrastructure projects, and the Tribes. The process created by the Nationwide Programmatic Agreement strikes a balance between keeping Tribes informed and respecting Tribal communication preferences.

Nevertheless, there is always room for improving communications. Consistent with GAO’s recommendation, I have asked FCC staff to explore ways of documenting how FCC staff could communicate with Tribes about how Tribal input was used in FCC decisions on telecommunications infrastructure projects. I appreciate the opportunity to comment on the GAO Report and would be happy to discuss further if you have any questions.

Sincerely,



Ajit V. Pai

cc: The Honorable Bernie Sanders  
The Honorable Thomas Udall  
The Honorable Raúl M. Grijalva  
The Honorable Ruben Gallego  
The Honorable Peter Aguilar  
The Honorable Donald S. Beyer, Jr.  
The Honorable Tony Cárdenas  
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 19, 2019

The Honorable Elijah E. Cummings  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
2157 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Cummings:

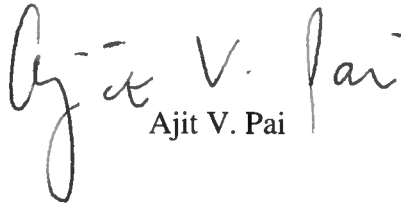
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 19, 2019

The Honorable Jim Jordan  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
2471 Rayburn House Office Building  
Washington, DC 20515

Dear Ranking Member Jordan:

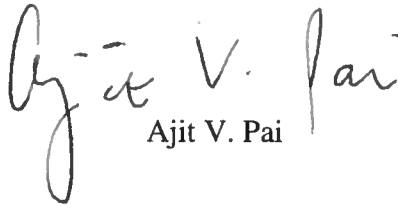
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